

Important Western state papers.

IMPORTANT WESTERN STATE PAPERS.

The following important state papers, having an immediate bearing on the early history of the West, are selected for publication—in full or in part—in this volume, for the reason that much difficulty is ordinarily experienced by historical writers in finding them; few American reference libraries, indeed, have all of them. In the case of the first three French documents, the reader is referred to the pages of Margry's *Découvertes et Établissements des Français dans L'Amerique*, where careful reprints of the originals can be consulted; while the sources of the translations are also acknowledged. In all cases, the copy is cited which the present publication follows. Of most of the selected papers promulgated during the domination of the English and Americans, only such portions are here published as are of immediate interest to the West.

I. FRENCH DOMINATION.

SAINT-LUSSON'S PROCÈS-VERBAL, JUNE 14, 1671.1

1 Original in *Margry*, i., pp. 96–99; translation from *New York Colonial Docs.*, ix., pp. 803–4, with some errors of nomenclature corrected.— Ed.

Simon François Daumont, Esquire, Sieur de S t Lusson, Commissioner subdelegate of my Lord the Intendant of New France, to search for the Copper mine in the countries of the Outaouacs, Nespercez, Illinois and other Indian Nations discovered and to be discovered in North America near Lake Superior or the Fresh Sea.

On the orders by us received on the third of September last from My lord the Intendant of New France, signed and paraphed Talon , and underneath By My lord Varnier , with paraph, to proceed forthwith to the countries of the Outaouacs, Nespercez, Illinois and

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other nations discovered 27 and to be discovered in North America near Lake Superior or the Fresh Sea, to make search and discovery there for all sorts of Mines particularly that of Copper; commanding us moreover, to take possession, in the King's name, of all the country inhabited and uninhabited wherever we should pass, planting in the first village at which we land, the Cross in order to produce there the fruits of Christianity, and the escutcheon (*éscu*) of France to confirm his Majesty's authority and the French dominion over it.

We having made, in virtue of our commission, our first landing at the village or hamlet of S te Mary of the Falls, the place where the Reverend Jesuit fathers are making their mission and the Indian nations called Achipoés, Malamechs, Noquets and others do actually reside; we caused the greatest portion possible of the other neighboring Tribes to be assembled there, who attended to the number of fourteen Nations.

To wit; the Achipoés, the Malamechs and the Noquets, inhabiting the said place of S te Mary of the Sault; and the Banabeouiks and Makomiteks; the Poulx teattemis, Oumalominis¹ Sassassaoua Cottons, inhabiting the bay called *des Puants* , and who have undertaken to make it known to their neighbors who are the Illinois, Mascouttins, Outtougamis and other Tribes; the Christinos, Assinipoals, Aumoussennires, Outaouois, Bouscouttons. Niscaks and Masquikoukieoks, all inhabitants of the Northern Country and near neighbors of the Sea, who undertook to tell and communicate it to their neighbors who are said to be very numerous, inhabiting even the sea coast; To whom in presence of the Reverend Fathers of the Company of Jesus and of all the French hereafter mentioned, we have caused to be read our said Commission and had it interpreted in their language by Sieur Nicolas Perrot, his Majesty's interpreter in that part, so that they may not be ignorant of it; afterwards causing a Cross to be prepared in order that the fruits of Christianity be produced there, and near it a Cedar pole to which we have affixed the arms of France, saying three times in a loud

1 Qu? Oumalominis, i.e., Menominies.— Ed. N. Y. Col. Docs.

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28 voice and with public outcry, that In the name of the Most High, Most Mighty and Most Redoubtable Monarch Louis, the xivth of the name, Most Christian King of France and Navarre , we take possession of the said place of S te Mary of the Falls as well as of Lakes Huron and Supérieur, the Island of Caientoton¹ and of all other Countries, rivers, lakes and tributaries, contiguous and adjacent thereunto, as well discovered as to be discovered, which are bounded on the one side by the Northern and Western Seas and on the other side by the South Sea including all its length or breadth; Raising at each of the said three times a sod of earth whilst crying *Vive le Roy* , and making the whole of the assembly as well French as Indians repeat the same; declaring to the aforesaid Nations that henceforeward as from this moment they were dependent on his Majesty, subject to be controlled by his laws and to follow his customs, promising them all protection and succor on his part against the incursion or invasion of their enemies, declaring unto all other Potentates, Princes and Sovereigns, States and Republics, to them and their subjects, that they cannot or ought not seize on, or settle in, any places in said Country, except with the good pleasure of his said most Christian Majesty and of him who will govern the Country in his behalf, on pain of incurring his hatred and the effects of his arms; and in order that no one plead cause of ignorance, we have attached to the back the Arms of France thus much of the present our Minute of the taking possession, Signed by us and the under named persons who were all present.

1 Manitoualin.— Ibid.

Done at S te Mary of the Falls on the 14 th June in the year of Grace 1671, in the presence of the Reverend fathers; the Reverend Father Claude Dablon, Superior of the missions in this Country, the Rev. Father Gabriel Dreuilletes, the Rev. Father Claude Allouwéz, the Rev. Father André, all of the Company of Jesus; and of Sieur N as Perrot, his Majesty's Interpreter in these parts; Sieur Jollier, J ques Mograss, an inhabitant of Three Rivers; Pierre Moreau, S r de la 29 Touppine, a Soldier belonging to the garrison of the Castle of Quebec. Denis Masse, F çois de Chavigny, S r de la Cheviottiere, J

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ques Lagillier, Jeanne Maysere, N as Dupuis, F çois Bidaud, J ques Joviel, P rer Porteret, Robert Duprat, Vital Driol, Guillaume Bonhomme and other witnesses.

(Signed) Daumont de Saint Lusson , with paraph.

LA SALLE'S PROCÈS-VERBAL, MARCH 14, 1682.1

1 Original in *Margry*, ii., pp. 181–185; translated by Grace Clark.— Ed.

The Taking Possession of the Country Situated along the Ohio er St. Louis River, and the Mississippi or Colbert River.

Official report of this taking possession in the country of the Akansas.

13 th and 14 th March, 1682.

Jaques de la Métairie, notary of the seigniory of Fort Frontenac in New France, commissioned to exercise the said function during the journey which was undertaken to make the discovery of Louisiana by M. de la Salle, Governor of the said Fort Frontenac for the King, and commandant in the said discovery by virtue of his Majesty's commission of which M. de la Salle is the bearer, given at St. Germain-en-Laye on the 12 th of May, 1678.

To all whom these presents shall come, greeting: Know that having been requested by the said Sieur de la Salle to deliver to him an act signed by us and the witnesses therein named, of that which took place on the occasion of his taking possession of the country of Louisiana at the village of Kapaha, one of those which belong to the nation of the Akansas assembled at the said village of Kapaha on the 14 th of March, 1682.

In the name of the most high, mighty, invincible, and victorious Prince, Louis le Grand, fourteenth of that name, by the grace of God King of France and of Navarre, and of his

heirs, successors, and inheritors of his crown, we, the aforesaid notary, have delivered the said act to the Sieur de la Salle, the tenor whereof follows:

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On the 12th of March, M. de la Salle having come in sight of Kapaha about ten o'clock in the morning with two of his canoes, and having landed on an island opposite the said village to await the rest of his company, judged by the cries and noise and the war-songs that he heard in the village that the savages were preparing to fight, and therefore caused a fort to be built on the said island, where, after some conferences, Kapaha, chief of the village came to him bearing the pipe of peace and accompanied by six of his principal savages. Peace being concluded, M. de la Salle went with all his men and the said savages to the said village, where he was received with all possible demonstrations of joy and affection both public and individual, in the midst of which the Akansas having asked aid from him against their enemies, he answered them, both of himself in the language of the Islinois which was understood by some of them, and also by one of the interpreters who accompanied him, that it was not from him that they should expect protection but from the greatest prince in the world, on the part of whom he had come to them and to all the other nations that live along their river and in its neighborhood; he had come to offer to all who would obey him all the advantages which so many people enjoy who have had recourse to his power and many of whom were not unknown to them; and after explaining to them what they were to expect and the duties to which this obedience pledged them, all having received his speech with acclamation, the said Sieur declared to them besides that in order to give an external sign of the sincerity of their promises it was necessary to erect a column where should be painted the arms of his Majesty and their express consent to recognize him as the master of their land; that in return they would be under the protection of his Majesty and in the shadow of this column which bore the signs of his dominion, and that all who should attack them would have to combat his great might and his subjects the French, who would avenge any injury which might be done them in the persons of their brothers.

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This proposition being received by all, while the ceremonies ³¹ were being continued with which these nations are accustomed to confirm their alliances, the said Sieur de la Salle sent M. de Tonty commander of a brigade, to prepare this column—which was done in a short time. The cross was painted with the arms of France and this inscription: “Louis le Grand, roy de France et de Navarre, règne le 13 Mars 1682.” M. de la Tonty with all the Frenchmen carrying arms and the Savages of the suite of M. de la Salle, bore it from the camp to the public place of the village; here the Reverend Father Zénobe Membré a Recollect missionary, intoned the *O crux, ave, spes unica* , and walked three times around the place each time singing the *Exaudit te Dominus* , and crying three times “ *Vive le Roy!* ” after which at the discharge of musketry they erected the column in repeating the cries of “ *Vive le Roy!* ” and near it the said Sieur de la Salle took his stand and pronounced in a loud voice in French, holding in his hand his commission:

“In the name of the most high, mighty, invincible, and victorious Prince, Louis the Great, by the grace of God, King of France and of Navarre, fourteenth of that name, this thirteenth day of March, one thousand six hundred, and eighty-two, with the consent of the nation of the Akansas, assembled at the village of Kapaha and present in that place, both in their name and in that of their allies, I, in virtue of his Majesty's commission of which I am the bearer and which I hold in my hand, ready to show it to all whom it may concern, have taken and do now take possession, in the name of his Majesty, his heirs and successors to his crown, of the country of Louisana and all the lands, provinces, countries, peoples, nations, mines, ores, ports, harbors, seas, straits, and roadsteads, and of each of these comprised in the region from the mouth of the river St. Louis called Ohio, Olighinsipou and Chukagoua, along the banks of it and of all and each of the rivers which empty into it from the east to the mouth of the Rivière des Palmes from the west, along the river Colbert, called Mississipi, and all the rivers which empty into it from the east; hereby protesting against all those who may in future undertake to gain possession to the prejudice of the right which his ³² Majesty to-day acquires to all the said nations, lands, provinces, peoples, countries, mountains, mines, roadsteads, harbors, ports, and seas, and all that

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they comprise, of which I take to witness to these presents all the French and Savages and demand such act to be delivered to me by M. Jacques de la Metairie, commissioned to perform the duties of notary on this discovery, to serve according to law.”

Immediately the said Sieur de la Salle caused the same to be read to the said Akansas in their language and they consented to it; and after cries of “ *Vive le Roy!*” and salute of fire-arms M. de la Salle had the merchandise which was most highly esteemed by these people brought in and laid at the foot of the column, telling them that this was a pledge of the good things they might expect for the faithfulness with which they kept the promises they had just made him; that they should receive them in abundance provided they were as steadfast in the future as they were now zealous. They received all with many thanks. At the end of the ceremony which lasted all night and during the 14th, we saw the Akansas press their hands against this column and then rub their bodies with them to show the joy and confidence they felt to see it erected in their village.

Of which and all of the above the said Sieur de la Salle having required of us an act, we have delivered to him the same signed by us, the aforesaid notary; by M. de Tonty, captain of a brigade; by the Reverend Father Zénobe Membré, Recollect, and by the undersigned witnesses, present at the said taking possession. Made at the said Kapaha village of the Akansas, the 13th and 14th of March 1682. De la Salle; Henry de Tonty; Fr. Zénobe Membré, Recollect missionary; François de Boisrondet; Jean Bourdon, sieur d'Autray; Jacques Cauchois; Gilles Meneret; Jean Dulignon; Pierre You; Jean Michel, surgeon; Jean Mas; Antoine Brassar; Nicolas de La Salle; La Meterie, notary.

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LA SALLE'S PROCÈS-VERBAL, APRIL 9, 1682.1

1 Original in *Margry*, ii., pp. 191–193; translation from French's *Louisiana Hist. Coll.*, Second series, pp. 24–27, with changes in nomenclature to accord with *Margry*.— Ed.

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"In the name of the most high, mighty, invincible, and victorious Prince, Louis the Great , by the grace of God, King of France and Navarre, fourteenth of that name, this ninth day of April, one thousand six hundred and eighty-two, I, in virtue of the commission of his Majesty (Louis XIV.) which I hold in my hand, and which may be seen by all whom it may concern, have taken, and do now take in the name of his Majesty and of his successors to the crown, possession of this country of Louisiana, the seas, harbors, ports, bays, adjacent straits; and all the nations, people, provinces, cities, towns, villages, mines, minerals, fisheries, streams, and rivers comprised in the extent of Louisiana, from the mouth of the great River St. Louis on the eastern side, otherwise called Ohio, Olighinsipou (Alleghany), or Chukagoua, and this with the consent of the Chaouesnons (Shawances),² Chicachas (Chickasaws), and other people dwelling therein, with whom we have made alliance; as also along the River Colbert or Mississippi, and rivers which discharge themselves therein, from its source; beyond the country of the Kious (Sioux) or Nadouessions, and this with their consent, and with the consent of the Ototantas, Islinois, Matsigamea (Metchigamias), Akansas, Natchez, and Koroas, which are the most considerable nations³ dwelling therein, with whom ³

² The Shawances were a wandering nation, and as early as 1680 occupied the country on the Tennessee and Cumberland rivers, and after that emigrated to the Wabash river country. The Chickasaws were a powerful, warlike nation, and occupied the country within the present States of Kentucky and Tennessee.— French.

³ "These tribes," says Father Zénobé Membré, "though savage, seem generally of very good disposition, affable, obliging, and docile. They are very different from our Canada Indians in their houses, dress, manners and customs, and even in the form of their head, for theirs is very flat. They have large public squares, games and assemblies. They seem very lively and active, and their chiefs possess all the authority. They have their valets and officers, who follow and serve them everywhere. They have also axes and guns, which they procure from the Spaniards sixty-five or more leagues off."— French.

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34 also we have made alliance either by ourselves or by others in our behalf; as far as the mouth at the sea or Gulf of Mexico, about the 27th degree of the elevation of the north pole, and also to the mouth of the river of Palms (Rio de Palmas¹); upon the assurance which we have received from all these nations that we are the first Europeans who have descended or ascended the River Colbert, hereby protesting against all those who may in future undertake to invade any or all of these countries, people, or lands above described to the prejudice of the right of his Majesty acquired by the consent of the nations herein named, of which and all that can be needed, I hereby take to witness those who hear me, and demand an act of the notary as required by law.”

To which the whole assembly responded with shouts of “ *Vive le Roy!* ” and with salutes of fire-arms. Moreover, the said Sieur de la Salle caused to be buried at the foot of the tree to which the cross was attached a leaden plate, on one side of which were engraved the arms of France and the following inscription:

Lvdovicvs Magnvs regnat. Nono Aprilis Cic lcc lxxxii.

Robertvs Cavelier, cvm Domino de Tonty legato, R. P. ZéNobio Membre, recollecto, et viginti gallis, Primvs hoc flvmen, inde ab llineorvm pago enavigavit, Ejvsqve ostivm fecit Pervivm Nono Aprilis Anni

Cic lcc lxxxii .

After which the Sieur de la Salle said that his Majesty, as eldest Son of the Church, would annex no country to his crown without making it his chief care to establish the Christian religion therein, and that its symbol must now be planted, which was accordingly done at once by erecting a cross, before which the *Vexilla* and the *Domine, salvum fac regem* were sung, whereupon the ceremony was concluded with cries of “ *Vive le Roy!* ” Of all and every of the above

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1 The Rio de Palmas is about one hundred leagues from the River Panuco (Tampico), Mexico.—French.

35 the said Sieur de la Salle having required of us an instrument, we have delivered to him the same signed by us, and by the undersigned witnesses, this ninth day of April, one thousand six hundred and eight-two.

La Métairie, notary.

De La Salle; P. Zénobé, Recollect missionary; Henry de Tonty; François de Boisrondet; Jean Bourdon; sieur d'Autray; Jacques Cauchois; Pierre You; Gilles Meneret; Jean michel, surgeon; Jean Mas; Jean du Lignon; Nicolas de La Salle.

PERROT'S MINUTE OF TAKING POSSESSION, MAY 8, 1689.1

1 Republished from *N. Y. Col. Docs.*, ix., p. 418.— Ed.

Minute of the taking possession of the country on the Upper Mississippi.

Canada, Bay des Puants.

Record of the taking possession, in his Majesty's name, of the Bay des Puants,² of the lake and rivers of the Outagamis,³ and Maskoutins,⁴ of the river 8iskonche,⁵ and that of the Missiscipi, the country of the Nadouesioux, the rivers S te Croix and S t Peter, and other places more remote. 8 th May, 1689.

2 Green Bay.— Ed. *N. Y. Col. Docs.*

3 Fox river.— Ibid.

4 Lake Winnebago.— Ibid.

5 Wisconsin.— Ibid.

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1689. N o 6.

Nicholas Perrot, commanding for the King at the post of the Nadouesioux, commissioned by the Marquis de Denonville Governor and Lieutenant General of all New France, to manage the interests of Commerce among all the Indian tribes and peoples of the Bay des Puants, Nadouesioux, Mascoutins and other Western Nations of the Upper Mississippi and to take possession in the King's name, of all the places where he has heretofore been, and whither he will go.

We this day, the eighth of May one thousand six hundred and eighty⁶ do, in presence of the Reverend Father Marest

⁶ Sic.—Ibid.

36 of the Society of Jesus, Missionary among the Nadouesioux; of Monsr de Borie-Guillot commanding the French in the neighborhood of Ouiskonche on the Mississippi; Augustin Legardeur Esquire, Sieur de Caumont, and of Messieurs Le Sueur, Hebert, Letoire and Blein;

Declare to all whom it may Concern, that having come from the Bay des Puants and to the lake of the Ouiskonches and to the river Mississippi, we did transport ourselves to the Country of the Nadouësioux on the border of the River Saint Croix and at the mouth of the River Saint Peter, on the bank of which were the Mantantans, and father up into the interior to the North east of the Mississippi as far as the Menchokatonx with whom dwell the majority of the Songeskitons and other Nadouëssioux, who are to the North east of the Mississippi, to take possession for, and in the name of the King, of the countries and rivers inhabited by the said Tribes and of which they are proprietors. The present Act done in our presence, Signed with our hand, and subscribed by the Reverend Father Marest Messrs de Borie guillot and Caumont, and the Sieurs Le Sueur, Hèbert, Lemire and Blein.

Done at the Post St. Anthony, the day and year aforesaid. These presents are in duplicate; Signed to the Original—Joseph Jean Marest of the Society of Jesus; N. Pérot, Legardeur de Caumont Le Sueur; Jean Hébert, Joseph Lemire and F. Blein.

II. ENGLISH DOMINATION.

PRELIMINARY ARTICLES OF PEACE, NOV. 3, 1762.¹

¹ Given in full in *Gent. Mag.*, xxxii., pp. 569–573, from which those articles having a direct bearing upon the West are selected for the present publication.— Ed.

Preliminary Articles of Peace between his Britannick Majesty [England], the Most Christian King [France], and the Catholic King [Spain], signed at Fontainebleau, November 3, 1762.

[Preamble.]

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Article I. As soon as the preliminaries shall be signed and ratified, sincere friendship shall be re-established between his Britannick majesty and his Most Christian majesty and between his Britannick majesty and his Catholic majesty, their kingdoms, states, and subjects, by sea, and by land, in all parts of the world. Orders shall be sent to the armies and squadrons, as well as to the subjects of the three powers, to stop all hostilities, and to live in the most perfect union, forgetting what has passed, of which their sovereigns give them the order and example: And, for the execution of this article, sea passes shall be given, on each side, for the ships, which shall be dispatched to carry the news of it to the respective possessions of the three powers.

II. His Most Christian majesty renounces all pretensions which he has heretofore formed, or might have formed in Nova Scotia, or Acadia, in all its parts, and guaranties the whole of it, with all its dependencies, to the king of Great Britain: Moreover, his Most Christian majesty cedes, and guaranties, to his said Britannick majesty, in full right, Canada, with all

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its dependencies, as well as the island of Cape Breton, and all the other islands in the Gulf and River of St. Laurence, without restriction, and without any liberty to depart from this cession and guaranty, under any pretence, or to trouble Great Britain in the possessions above mentioned. His Britannick majesty, on his side, agrees to grant to the inhabitants of Canada, the liberty of the Catholick religion: he will, in consequence, give the most exact and the most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Roman church, as far as the laws of Great Britain permit. His Britannick majesty further agrees that the French inhabitants, or others who would have been subjects of the Most Christian king in Canada, may retire, in all safety and freedom, wherever they please; and may sell their estates, provided it be to his Britannick majesty's subjects, and transport their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except debts, or criminal prosecutions: the term limited for this emigration being 38 fixed to the space of 18 months, to be computed from the day of the ratification of the definitive treaty.

VI. In order to re-establish peace on the most solids and lasting foundations, and to remove for ever every subject of dispute With regard to the limits of the British and French territories on the continent of America; it is agreed, that, for the future, the confines between the dominions of his Britannick majesty, and those of his Most Christian majesty, in that part of the world, shall be irrecoverably fixed by a line drawn along the middle of the river Mississippi, from its source, as far as the river Iberville, and from thence, by a line drawn along the middle of this river, and of the Lakes Maurepas and Pontchatrain, to the sea; and to this purpose, the Most Christian king cedes in full right, and guaranties to his Britannick majesty, the river and port of Mobile, and everything that he possesses, or ought to have possessed, on the left side of the river Mississippi, except the town of New Orleans, and the island in which it is situated, which shall remain to France; provided that the navigation of the river Mississippi shall be equally free, as well to the subjects of Great Britain, as to those of France, in its whole breadth and length, from its source to the sea, and that part expressly, which is between the said island of New Orleans, and the

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right bank of that river, as well as the passage both in and out of its mouth. It is further stipulated, that the vessels belonging to the subjects of either nation, shall not be stopped, visited, or subjected to the payment of any duty whatsoever. The stipulations, in favour of the inhabitants of Canada, inserted in the second article, shall also take place, with regard to the inhabitants of the countries ceded by this article.

XIX. In consequence of the restitution stipulated in the preceding article,¹

1 “The king of Great Britain shall restore to Spain all that he has conquered in the island of Cuba, with the fortress of the Havannah,” etc.—Ed.

his Catholic majesty cedes and guaranties, in full right, to his Britannick majesty, all that Spain possesses on the continent of North America, to the E. or to the S. E. of the river Mississippi. And his Britannick majesty agrees to grant to the inhabitants of this country, above ceded, the liberty of the Catholic religion: He will, in consequence, give the most exact and most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Roman church, as far as the laws of Great Britain permit. His Britannick majesty farther agrees, that the Spanish inhabitants, or others who would have been subjects of the Catholic king in the said countries, may retire, in all safety and freedom, wherever they please; and may sell their estates, provided it be to his Britannick majesty's subjects, and transport their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except debts, and criminal prosecutions: The term limited for this emigration, being fixed to the space of 18 months, to be computed from the day of the ratification of the definitive treaty. It is further stipulated, that his Catholic majesty shall have power to cause all the effects, that belong to him, either artillery, or others, to be carried away.

DEFINITIVE TREATY OF PEACE, FEB. 10, 1763.¹

¹ Articles bearing on the West, selected from *Gent. Mag.*, xxxiii., pp. 121–126, where the treaty is given in full.—Ed.

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The Definitive Treaty of Friendship and Peace between his Britannick Majesty, the Most Christian King, and the King of Spain. Concluded at Paris, the 10th day of February 1763; to which the King of Portugal acceded on the same day.

[Preamble.]

Article I. There shall be a christian, universal, and perpetual peace, as well by sea as by land, and a sincere and constant friendship shall be re-established between their Britannick, Most Christian, Catholic and Most Faithful majesties, and between their heirs and successors, kingdoms, dominions, provinces, countries, subjects, and vassals, of what quality or condition soever they be, without 40 exception of places, or of persons: So that the high contracting parties shall give the greatest attention to maintain between themselves and their said dominions and subjects, this reciprocal friendship and correspondence, without permitting, on either side, any kind of hostilities by sea or by land, to be committed, from henceforth, for any cause, or under any pretence whatsoever, and every thing shall be carefully avoided which might hereafter prejudice the union happily re-established, applying themselves, on the contrary, on every occasion, to procure for each other whatever may contribute to their mutual glory, interests, and advantages, without giving any assistance or protection, directly or indirectly, to those who would cause any prejudice to either of the high contracting parties: There shall be a general oblivion of every thing that may have been done or committed before, or since the commencement of the war, which is just ended.

II. The treaties of Westphalia of 1648; those of Madrid between the crowns of Great Britain and Spain of 1667, and 1670; the treaties of peace of Nimeguen of 1678, and 1679; of Ryswick of 1697; those of peace and of commerce of Utrecht of 1713; that of Baden of 1714; the treaty of the triple alliance of the Hague of 1717; that of the quadruple alliance of London of 1718; the treaty of peace of Vienna of 1738; the definitive treaty of Aix la Chapelle of 1748; and that of Madrid, between the crowns of Great Britain and Spain, of 1750; as well as the treaties between the crowns of Spain and Portugal, of the 13th

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of February 1668; of the 6th of February 1715; and of the 12th of February 1761; and that of the 11th of April 1713; between France and Portugal, with the guaranties of Great Britain; serve as a basis and foundation to the peace, & to the present treaty; and for this purpose they are all renewed and confirmed in the best form, as well as all the treaties in general, which subsisted between the high contracting parties before the war, as if they were inserted here word for word, so that they are to be exactly observed for the future in their whole tenor, and religiously executed on all sides, in all their points, which shall not be derogated from by the 41 present treaty, notwithstanding all that may have been stipulated to the contrary by any of the high contracting parties: and all the said parties declare, that they will not suffer any privilege, favour, or indulgence, to subsist, contrary to the treaties above confirmed, except what shall have been agreed and stipulated by the present treaty.

III. All the prisoners made, on all sides, as well by land as by sea, and the hostages carried away, or given during the war, and to this day, shall be restored, without ransom, six weeks, at latest, to be computed from the day of the exchange of the ratifications of the present treaty, each crown respectively paying the advances, which shall have made for the subsistence and maintainance of their prisoners, by the sovereign of the country where they shall have been detained, according to the attested receipts and estimates, and other authentick vouchers, which shall be furnished on one side and the other: and securities shall be reciprocally given for the payment of the debts which the prisoners shall have contracted in the countries where they have been detained, until their entire liberty. And all the ships of war and merchant vessels, which shall have been taken since the expiration of the terms agreed upon for the cessation of hostilities by sea, shall be likewise restored *bona fide* , with all their crews and cargoes: and the execution of this article shall be proceeded upon immediately after the exchange of the ratifications of this treaty.

IV. His most Christian majesty renounces all the pretensions which he has heretofore formed, or might form to Nova Scotia, or Acadia, in all its parts; and guaranties the whole of it, and with all its dependencies to the King of Great Britain. Moreover, his

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Most Christian majesty cedes, and guaranties to his said Britannick majesty, in full right, Canada, with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts in the gulph and river of St. Laurence, and in general every thing that depends on the said countries, lands, islands, coasts, with the sovereignty, property, possession, and all rights acquired by treaty or otherwise, which the most Christian king, and the crown of France, have had, till now, over the said 42 countries, islands, lands, places, coasts, and their inhabitants, so that the most Christian king cedes and makes over the whole to the said king, and to the crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guaranty, under any pretence, or to disturb Great Britain in the possessions above mentioned. His Britannick majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada: He will consequently, give the most precise and most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Romish church, as far as the laws of Great Britain permit. His Britannick majesty farther agrees that the French inhabitants, or others who had been subjects of the most Christian king in Canada, may retire with all safety and freedom, wherever they shall think proper, and may sell their estates, provided it be to the subjects of his Britannick majesty, and bring away their effects, as well as their persons, without being restrained in their emigration, under any pretense whatsoever, except that of debts, or of criminal prosecutions; the term limited for this emigration, shall be fixed to the space of 18 months, to be computed from the day of the exchange of the ratifications of the present treaty.

V. The subjects of France shall have the liberty of fishing and drying on a part of the coasts of the island of Newfoundland, such as is specified in the 13th article of the treaty of Utrecht; which article is renewed and confirmed by the present treaty, (except what relates to the island of Cape Breton as well as to the other islands and coasts in the mouth and in the gulph of St. Laurence) and his Britannic majesty consents to leave the subjects of the most Christian king, the liberty of fishing in the gulph of St. Laurence, on condition that

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the subjects of France do not exercise the said fishery, but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent, as those of the islands situated in the said gulph of St. Laurence. And as to what relates to the fishery on 43 the coast of the island of Cape Breton out of the said gulph, the subjects of the most Christian king shall not be permitted to exercise the said fishery, but at the distance of 15 leagues from the coasts of the island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia, and every where else out of the said gulph, shall remain on the foot of former treaties.

VII. In order to re-establish peace on solid and durable foundations, and to remove forever all subjects of dispute with regard to the limits of the British and French territories on the continent of America; it is agreed that for the future, the confines between the dominions of his Britannick majesty, and those of his most Christian majesty in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence, by a line drawn along the middle of this river, and the Lake Maurepas and Pontchartrain, to the sea; and for this purpose, the most Christian king cedes, in full right, and guaranties to his Britannick majesty, the river and port of the Mobile, and every thing which he possesses, or ought to possess, on the left side the river Mississippi, except the town of New Orleans, and the island in which it is situated, which shall remain to France; provided that the navigation of the river Mississippi shall be equally free as well to the subjects of Great Britain, as to those of France, in its whole breadth and length, from its source to the sea, and expressly that part which is between the said island of New Orleans, and the right bank of that river, as well as the passage both in and out of its mouth. It is further stipulated, that the vessels belonging to the subjects of either nation, shall not be stopped, visited or subjected to the payment of any duty whatsoever. The stipulations, inserted in the 4th article, in favour of the inhabitants of Canada, shall also take place, with regard to the inhabitants of the countries ceded by this article.

XX. In consequence of the restitution stipulated in the preceding article,¹

1 See *ante*, p. 38, note. — Ed.

his Catholick Majesty cedes and 44 guaranties, in full right, to his Britannick Majesty, Florida, with Fort St. Augustin, & the Bay of Pensacola, as well as all that Spain possesses on the continent of North America, to the east, or to the south east of the river Mississippi; and in general, every thing that depends on the said countries and lands, with the sovereignty, property, possession, and all rights; acquired by treaties and otherwise, which the Catholick King and the crown of Spain have had, till now, over the said countries, lands, places, and their inhabitants; so that the Catholick King cedes and makes over the whole to the said king, and to the crown of Great Britain, and that in the most ample manner and form. His Britannick Majesty agrees, on his side, to grant to the inhabitants of the countries above ceded, the liberty of the Catholick religion: He will consequently give the most express and the most effectual orders that his new Roman Catholick subjects may profess the worship of their religion, according to the rites of the Romish church, as far as the laws of Great Britain permit: His Britannick Majesty further agrees, that the Spanish inhabitants, or others, who had been subjects of the Catholick King in the said countries, may retire, with all safety and freedom, wherever they think proper; and may sell their estates, provided it be to his Britannick majesty's subjects, and bring away their effects, as well as their persons, without being restrained in their emigrations, under any pretence whatsoever, except that of debts, or of criminal prosecutions: The term limited for this emigration, being fixed to the space of 18 months, to be computed from the day of the exchange of the ratifications of the present treaty. It is moreover stipulated, that his Catholic majesty shall have power to cause all the effects that may belong to him, to be brought away, whether it be artillery or other things.

XXII. All the letters, papers, documents, and archieves which were found in the countries, territories, towns, and places, that are restored, and those belonging to the countries ceded, shall be respectively and bona fide, delivered, or furnished at the same time, if possible, that possession is 45 taken, or, at latest four months after the exchange of the

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ratifications of the present treaty, in whatever places the said papers or documents may be found.

XXIV. As it is necessary to assign a fixed epoch for the restitutions, and the evacuations to be made by each of the high contracting parties; it is agreed, that the British & French troops shall complete, before the 15th of March next, all that shall remain to be executed of the 12th and 13th articles of the preliminaries, signed the 3d day of November last, with regard to the evacuation to be made in the Empire, or elsewhere. The island of Belleisle shall be evacuated six weeks after the exchange of the ratifications of the present treaty, or sooner if it can be done. Guadalupe, Desirade, Marie Galante, Martinico, and St. Lucia three months after the exchange of the ratifications of the present treaty, or sooner if it can be done. Great Britain shall likewise, at the end of 3 months after the exchange of the ratifications of the present treaty, or sooner if it can be done, enter into possession of the river and port of the Mobile, and of all that is to form the limits of the territory of Great Britain, on the side of the river Mississippi, as they are specified in the 7th article. The island of Gorée shall be evacuated by Great Britain, three months after the exchange of the ratifications of the present treaty: And the island of Minorca, by France, at the same epoch, or sooner if it can be done: And, according to the conditions of the 6th article, France shall likewise enter into possession of the islands of St. Peter, and Miquelon, at the end of three months after the exchange of the ratifications of the present treaty. The factories in the East Indies shall be restored six months after the exchange of the ratifications of the present treaty, or sooner if it can be done. The fortresses of the Havannah, with all that has been conquered in the island of Cuba, shall be restored 3 months after the exchange of the ratifications of the present treaty, or sooner if it can be done: And, at the same time, Great Britain shall enter into possession of the country ceded by Spain, according to the 20th article. All the places and countries of his most Faithful majesty in Europe, shall be restored immediately after the exchange of the ratifications of the present treaty: And the Portuguese colonies, which may have been conquered, shall be restored in the space of three months in the West Indies, and of six months in the East Indies, after

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the exchange of the ratifications of the present treaty, or sooner if can be done. All the fortresses, the restitution whereof is stipulated above, shall be restored with the artillery and ammunition which were found there at the time of the conquest. In consequence whereof, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships that shall carry them, immediately after the exchange of the ratifications of the present treaty.

PROCLAMATION OF KING GEORGE, OCT. 7, 1763.¹

¹ In full, from *Gent. Mag.*, xxxiii., pp. 477–479.—Ed.

By the King, a Proclamation. George R.

Whereas we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace concluded at Paris the 10th day of February last; and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves, with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation; we have thought fit, with the advice of our privy council, to issue this, our royal proclamation, hereby to publish and declare to all our loving subjects, that we have, with the advice of our said privy council, granted our letters patent under our great seal of Great Britain, to erect within the countries and islands, ceded and confirmed to us by the said treaty, four distinct and separate governments, stiled and called by the names of Quebec, East Florida, West Florida, and Grenada, and limited and bounded as follows, viz.:

First the government of Quebec, bounded on the Labrador coast by the river St. John, and from thence, by a line drawn from the head of that river, through the lake St. 47 John, to the South end of the lake Nipissim; from whence the said line, crossing the river St. Lawrence and the lake Champlain in 45 degrees of North latitude, passes along the High Lands, which divide the rivers that empty themselves into the said river St. Lawrence, from

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those which fall into the sea; and also along the North coast of the Baye des Chaleur, and the coast of the Gulph of St. Lawrence to Cape Rosieres, and from thence crossing the mouth of the river St. Lawrence, by the West end of the island of Anticosti, terminates at the aforesaid river St. John.

Secondly, The government of East Florida, bounded to the Westward by the Gulph of Mexico and the Apalachicola river; to the Northward, by a line drawn from that part of the said river where the Catahouchee and Flint Rivers meet, to the source of St. Mary's river, and by the course of the said river to the Atlantic Ocean; and to the East & South by the Atlantic Ocean and the Gulph of Florida, including all islands within six leagues of the sea coast.

Thirdly, The government of West Florida, bounded to the Southward by the Gulph of Mexico, including all islands within six leagues of the coast from the river Apalachicola to Lake Pontchartrain; to the Westward by the said lake, the Lake Maurepas, and the river Mississippi; to the Northward, by a line drawn due East from that part of the river Mississippi which lies in 31 degrees North latitude, to the river Apalachicola, or Catahouchee; and to the Eastward by the said river.

Fourthly, The government of Grenada, comprehending the island of that name, together with the Grenadines, and the islands of Dominico, St. Vincent, and Tobago.

And to the end that the open and free fishery of our subjects may be extended to, and carried on upon the coast of Labrador and the adjacent islands, we have thought fit, with the advice of our said privy council, to put all that coast from the river St. John's to Hudson's Streights, together with the islands of Anticosti and Madelaine, and all other smaller islands lying upon the said coast, under the care and inspection of our governor of Newfoundland.

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We have also, with the advice of our privy council, thought fit to annex the islands of St. John's and Cape Breton, or Isle Royale, with the lesser islands adjacent thereto, to our government of Nova Scotia.

We have also, with the advice of our privy council, aforesaid, annexed to our province of Georgia all the lands lying between the rivers Altamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling our said new governments, that our loving subjects should be informed of our paternal care for the security of the liberties and properties of those who are, and shall become, inhabitants thereof; we have thought fit to publish and declare, by this our proclamation, that we have, in the letters patent under our great seal of Great Britain, by which the said governments are constituted, given express power and direction to our governors of our said colonies respectively, that so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America, which are under our immediate government; and we have also given power to the said governors, with the consent of our said councils, and the representatives of the people, so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes, and ordinances for the publick peace, welfare, and good government of our said colonies, and of the people and inhabitants thereof, as near as may be agreeable to the laws of England, and under such regulations and restrictions as are used in other colonies; and in the mean time, and untill such assemblies can be called as aforesaid, all persons inhabiting in, or resorting to, our said colonies, may confide in our royal protection for the enjoyment of the benefit of the laws, of our realm of England; for which purpose we have given power under our great seal to the governors of our said colonies respectively, to erect and constitute, with the advice of our said councils respectively, courts of judicature and publick justice within our said colonies, for the hearing and determining all causes, as well criminal as civil,

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according to law and equity, and, as near as may be, agreeable to the laws of England, with liberty to all persons who may think themselves aggrieved by the sentence of such courts, in all civil cases to appeal under the usual limitations and restrictions to us, in our privy council.

We have also thought fit, with the advice of our privy council as aforesaid, to give unto the governors and councils of our said three new colonies upon the continent, full power and authority to settle and agree with the inhabitants of our said new colonies, or with any other persons who shall resort thereto for such lands, tenements, and hereditaments as are now, or hereafter shall be in our power to dispose of, and them to grant to any such person or persons, upon such terms, and under such moderate quit-rents, services and acknowledgments, as have been appointed and settled in our other colonies, and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the Grantees, and the improvement and settlement of our said colonies.

And whereas we are desirous, upon all occasions, to testify our royal sense and approbation of the conduct and bravery of the officers and soldiers of our armies, and to reward the same, we do hereby command and empower our governors of our said three new colonies, and all other our governors of our several provinces on the continent of North America to grant, without fee or reward, to such reduced officers as have served in North America during the late war, and to such private soldiers as have been or shall be disbanded in America, and are actually residing there, and shall personally apply for the same, the following quantities of lands, subject at the expiration of ten years to the same quit rents as other lands are subject to in the province within which they are granted, as also subject to the same conditions of cultivation and improvement, viz.

To every person having the rank of a field officer, 5,000 acres.

To every captain 3,000 acres.

To every subaltern or staff officer 2,000 acres.

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To every non-commission officer, 200 acres. 4

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To every private man 50 acres.

We do likewise authorize and require the governors and commanders in chief of all our said colonies upon the continent of North America to grant the like quantities of land, and upon the same conditions, to such reduced officers of our navy of like rank, as served on board our ships of war in North America at the times of the reduction of Louisbourg and Quebec in the late war, and who shall personally apply to our respective governors for such grants.

And whereas it is just and reasonable, and essential to our interest and the security of our colonies, that the several nations or tribes of Indians, with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to, or purchased by us, are reserved to them, or any of them, as their hunting grounds, we do therefore, with the advice of our privy council, declare it to be our royal will and pleasure, that no governor, or commander in chief, in any of our colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as described in their commissions; as also that no governor or commander in chief of any of our other colonies or plantations in America, do presume for the present, and until our further pleasure be known, to grant warrant of survey, or pass patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the West or NorthWest; or upon any lands whatever, which not having been ceded to, or purchased by us, as aforesaid, are reserved to the said Indians, or any of them.

And we do further declare it to be our royal will and pleasure, for the present as aforesaid, to reserve under our sovereignty, protection and dominion, for the use of the said

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Indians, all the lands and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudson's Bay company; as also all the lands and territories lying to the westward 51 of the sources of the rivers which fall into the sea from the West and North West as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our especial leave and licence for that purpose first obtained.

And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands, which not having been ceded to, or purchased by us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

And whereas great frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order therefore to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our privy council, strictly enjoin and require, that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians within those parts of our colonies where we have thought proper to allow settlement; but that if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the governor or commander in chief of our colony respectively within which they shall lie: And in case they shall lie within the limits of any proprietary government, they shall be purchased only for the use, and in the name of such proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose: And we do, by the advice of our privy council, declare and enjoin, that the trade with the said Indians shall be free and open to all our subjects

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whatever, provided that every person who may incline 52 to trade with the said Indians, do take out a licence for carrying on such trade, from the governor or commander in chief of any of our colonies respectively, where such person shall reside, and also give security to observe such regulations as we shall at any time think fit, by ourselves or by our commissaries, to be appointed for this purpose, to direct and appoint for the benefit of the said trade: And we do hereby authorize, enjoin, and require the governors and commanders in chief of all our colonies respectively, as well those under our immediate government, as those under the government and direction of proprietaries, to grant such licences without fee or reward, taking especial care to insert therein a condition that such licence shall be void, and the security forfeited, in case the person to whom the same is granted, shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of Indian affairs within the territories reserved, as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever, who standing chargen with treasons, misprisions of treason, murders, or other felonies, or misdemeanours, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed of which they shall stand accused, in order to take their trial for the same.

Given at our court at St. James's, the 7th day of October, 1763, in the third year of our reign.

GOD save the KING.

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THE QUEBEC ACT.¹

1 In full from British *Statutes at Large* (London, 1776), xii., pp. 184–187.— Ed.

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14 Geo. III., cap. 83.

An act for making more effectual provision for the government of the province of Quebec in North America.

Whereas his Majesty, by his Royal Proclamation, bearing date the seventh Day of October, in the third Year of his Reign, thought fit to declare the Provisions which had been made in respect to certain Countries, Territories and Islands in America, ceded to his Majesty by the definitive Treaty of Peace, concluded at Paris on the tenth Day of February, one thousand seven hundred and sixty-three: And whereas, by the Arrangements made by the said Royal Proclamation, a very large Extent of Country, within which there were several Colonies and Settlements of the Subjects of France, who claimed to remain therein under the Faith of the said Treaty, was left, without any Provision being made for the Administration of Civil Government therein; and certain Parts of the Territory of Canada, where sedentary Fisheries had been established and carried on by the Subjects of France, Inhabitants of the said Province of Canada, under Grants and Concessions from the Government thereof, were annexed to the Government of Newfoundland, and thereby subjected to regulations inconsistent with the Nature of such Fisheries: May it therefore please your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Territories, Islands, and Countries in North America, belonging to the Crown of Great Britain, bounded on the South by a Line from the Bay of Chaleurs, along the High Lands which divide the Rivers that empty themselves into the River Saint Lawrence, from those which fall into the Sea, to a point in forty-five Degrees of Northern Latitude, on the Eastern 54 bank of the River Connecticut, keeping the same Latitude directly West, through the Lake Champlain, until, in the same Latitude, it meets the River Saint Lawrence; from thence up the Eastern Bank of the said River to the Lake Ontario; thence through the Lake Ontario, and the River commonly called Niagara; and

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thence along by the Eastern and the South-eastern Bank of Lake Erie, following the said Bank, until the same shall be intersected by the Northern Boundary, granted by the Charter of the Province of Pennsylvania, in case the same shall be so intersected; and from thence along the said Northern and Western Boundaries of the said Province, until the said Western Boundary strike the Ohio: But in case the said Bank of the said Lake shall not be found to be so intersected, then following the said Bank until it shall arrive at that Point of the said Bank which shall be nearest to the North-western Angle of the said Province of Pennsylvania, and thence by a right line, to the said North-western Angle of the said Province; and thence along the Western Boundary of the said Province, until it strike the River Ohio; and along the Bank of the said River, Westward, to the Banks of the Mississippi, and Northward to the Southern Boundary of the Territory granted to the Merchants Adventurers of England, trading to Hudson's Bay; and also all such Territories, Islands, and Countries, which have, since the tenth of February, one thousand seven hundred and sixty-three, been made Part of the Government of Newfoundland, be, and they are hereby, during his Majesty's Pleasure, annexed to, and made Part and Parcel of, the Province of Quebec, as created and established by the said Royal Proclamation of the seventh of October, one thousand seven hundred and sixty-three.

II. Provided always, That nothing herein contained, relative to the Boundary of the Province of Quebec, shall in anywise affect the Boundaries of any other Colony.

III. Provided always, and be it enacted, That nothing in this Act contained Shall extend, or be construed to extend, to make void, or to vary or alter any Right, Title, or Possession, derived under any Grant, Conveyance, or otherwise howsoever, of or to any Lands within the said Province, or 55 the Provinces thereto adjoining; but that the same shall remain and be in Force, and have Effect, as if this Act had never been made.

IV. And whereas the Provisions, made by the said Proclamation, in respect to the Civil Government of the said Province of Quebec, and the Powers and Authorities given to the Governor and other Civil Officers of the said Province, by the Grants and Commissions

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issued in consequence thereof, have been found, upon Experience, to be inapplicable to the State and Circumstances of the said Province, the Inhabitants whereof amounted, at the Conquest, to above sixty-five thousand Persons professing the Religion of the Church of Rome, and enjoying an established Form of Constitution and System of Laws, by which their Persons and Property had been protected, governed, and ordered, for a long Series of Years, from the first Establishment of the said Province of Canada; be it therefore further enacted by the Authority aforesaid, That the said Proclamation, so far as the same relates to the said Province of Quebec, and the Commission under the Authority whereof the Government of the said Province is at present administered, and all and every the Ordinance and Ordinances made by the Governor and Council of Quebec for the Time being, relative to the Civil Government and Administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first Day of May, one thousand seven hundred and seventy five.

V. And, for the more perfect Security and Ease of the Minds of the inhabitants of the said Province, it is hereby declared, That his Majesty's Subjects, professing the Religion of the Church of Rome of and in the said Province of Quebec, may have, held, and enjoy, the free Exercise of the Religion of the Church of Rome, subject to the King's Supremacy, declared and established by an Act, made in the first year of the Reign of Queen Elizabeth, over all the Dominions and Countries which then did, or thereafter should belong, to the Imperial Crown of this Realm; and that the Clergy of the said Church may hold, receive, and 56 enjoy, their accustomed Dues and Rights, with respect to profess the said Religion.

VI. Provided nevertheless, That it shall be lawful for his Majesty, his Heirs or Successors, to make such Provision out of the rest of the said accustomed Dues and Rights, for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a

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Protestant Clergy within the said Province, as he or they shall, from Time to Time, think necessary and expedient.

VII. Provided always, and be it enacted, That no Person, professing the Religion of the Church of Rome, and residing in the said Province, shall be obliged to take the Oath required by the said Statute passed in the first Year of the Reign of Queen Elizabeth, or any other Oaths substituted by any other Act in the place thereof; but that every such Person who, by the said Statute, is required to take the Oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following Oath before the Governor, or such other Person in such Court of Record as his Majesty shall appoint, who are hereby authorized to administer the same; *videlicet* ,

I A.B. do sincerely promise and swear, That I will be faithful, and bear true Allegiance to his Majesty King George, and him will defend to the utmost of my Power, against all traitorous Conspiracies, and Attempts whatsoever, which shall be made against his Person, Crown, and Dignity; and I will do my utmost Endeavour to disclose and make known to his Majesty, his Heirs and Successors, all Treasons, and traitorous Conspiracies, and Attempts, which I shall know to be against him, or any of them; and all this I do swear without any Equivocation, mental Evasion, or secret Reservation, and renouncing all Pardons and Dispensations from any Power or Person whomsoever to the contrary. So help me God.

And every such Person, who shall neglect or refuse to take the said Oath before mentioned, shall incur and be liable to the same Penalties, Forfeitures, Disabilities, and Incapacities, as he would have incurred and been liable to for 57 neglecting or refusing to take the Oath required by the said Statute passed in the first Year of the Reign of Queen Elizabeth.

VIII. And be it further enacted by the Authority aforesaid, That all his Majesty's Canadian Subjects within the Province of Quebec, the religious Orders and Communities only

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excepted, may also hold and enjoy their Property and Possessions, together with all Customs and Usages relative thereto, and all other their Civil Rights, in as large, ample, and beneficial Manner, as if the said Proclamation, Commissions, Ordinances, and other Acts and Instruments, had not been made, and as may consist with their Allegiance to his Majesty, and Subjection to the Crown and Parliament of Great Britain; and that in all Matters of Controversy, relative to Property and Civil Rights, Resort shall be had to the Laws of Canada, as the Rule for the Decision of the same; and all Causes that shall hereafter be instituted in any of the Courts of Justice, to be appointed within and for the said Province by his Majesty, his Heirs and Successors, shall, with respect to such Property and Rights, be determined agreeably to the said Laws and Customs of Canada, until they shall be varied or altered by any Ordinances that shall, from Time to Time, be passed in the said Province by the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, by and with the Advice and Consent of the Legislative Council of the same, to be appointed in Manner herein-after mentioned.

IX. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to any Lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his Heirs and Successors, to be holden in free and common Soccage.

X. Provided also, That it shall and may be lawful to and for every Person that is owner of any Lands, Goods, or Credits, in the said Province, and that has a Right to alienate the said Lands, Goods, or Credits, in his or her Lifetime, by Deed of Sale, Gift, or otherwise, to devise or bequeath the same at his or her Death, by his or her last Will and Testament; any Law, Usage, or Custom, heretofore 58 or now prevailing in the Province, to the contrary hereof in any, wise notwithstanding; such will being executed either according to the Laws of Canada, or according to the Forms prescribed by the Laws of England.

XI. And whereas the Certainty and Lenity of the Criminal Law of England, and the Benefits and Advantages resulting from the Use of it, have been sensibly felt by the Inhabitants, from au Experience of more than nine years, during which it has been uniformly

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administered; be it therefore further enacted by the Authority aforesaid, that the same shall continue to be administered, and shall be observed as Law in the Province of Quebec, as well in the Description and Quality of the Offence as in the Method of Prosecution and Trial; and the Punishments and Forfeitures thereby inflicted to the Exclusion of every other Rule of Criminal Law, or Mode of Proceeding thereon, which did or might prevail in the said Province before the Year of our Lord one thousand seven hundred and sixty-four; any Thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such Alterations and Amendments as the Governor, Lieutenant governor, or Commander in Chief for the Time being, by and with the Advice and Consent of the legislative Council of the said Province, hereafter to be appointed; shall, from Time to Time, cause to be made therein, in Manner herein-after directed.

XII. And whereas it may be necessary to ordain many Regulations for the future Welfare and good Government of the Province of Quebec, the Occasions of which cannot now be foreseen, nor, without much Delay and Inconvenience, be provided for, without intrusting that Authority, for a certain time, and under proper Restrictions, to Persons resident there: And whereas it is at present inexpedient to call an Assembly; be it therefore enacted by the Authority aforesaid, that it shall and may be lawful for his Majesty, his Heirs and Successors, by Warrant under his or their Signet or Sign Manual, and with the Advice of the Privy Council, to constitute and appoint a Council for the Affairs of the Province of Quebec, to consist of such Persons 59 resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, his Heirs and Successors, shall be pleased to appoint; and, upon the Death, Removal, or Absence of any of the Members Of the said Council, in like Manner to constitute and appoint such and so many other Person or Persons as shall be necessary to supply the Vacancy or Vacancies; which Council, so appointed and nominated, or the major Part thereof, shall have Power and Authority to make Ordinances for the Peace, Welfare, and good Government, of the said Province, with the Consent of his Majesty's Governor, or, in his Absence, of the Lieutenant-governor, or Commander in Chief for the time being.

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XIII. Provided always, That nothing in this Act contained shall extend to authorize or empower the said legislative Council to lay any Taxes or Duties within the said Province, such Rates and Taxes only excepted as the Inhabitants of any Town or District within the said Province may be authorized by the said Council to assess, levy, and apply, within the said Town or District, for the purpose of making Roads, erecting and repairing publick Buildings, or for any other Purpose respecting the local Convenience and Oeconomy of such Town or District.

XIV. Provided also, and be it enacted by the Authority aforesaid, That every Ordinance so to be made, shall, within six months, be transmitted by the Governor, or, in his absence, by the Lieutenant governor, or Commander in Chief for the time being, and laid before his Majesty for his Royal Approbation; and if his Majesty shall think fit to to disallow thereof, the same shall cease and be void from the Time that his Majesty's Order in Council thereupon shall be promulgated at Quebec.

XV. Provided also, that no Ordinance touching Religion, or by which any Punishment may be inflicted greater than Fine or Imprisonment for three Months, shall be of any Force or Effect, until the same shall have received his Majesty's Approbation.

XVI. Provided also, That no Ordinance shall be passed at any Meeting of the Council where less than a Majority of the whole Council is present, or at any Time except between 60 the first Day of January and the first Day of May, unless upon some, urgent Occasion, in which Case every Member thereof resident at Quebec, or within fifty miles thereof, shall be personally summoned by the Governor, or, in his Absence, by the Lieutenant-governor, or Commander in Chief for the Time being, to attend the same.

XVII. And be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or hinder his Majesty, his Heirs and Successors, by his or their Letters Patent under the Great Seal of Great Britain, from erecting, constituting, and appointing, such Courts of Criminal, Civil, and Ecclesiastical

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Jurisdiction within and for the said Province of Quebec, and appointing, from Time to Time, the Judges and Officers thereof, as his Majesty, his Heirs and Successors, shall think necessary and proper for the Circumstances of the said Province.

XVIII. Provided always, and it is hereby enacted, that nothing in this Act contained shall extend, or be construed to extend, to repeal or make void, within the said Province of Quebec, any Act or Acts of the Parliament of Great Britain heretofore made, for prohibiting, restraining, or regulating, the Trade or Commerce of his Majesty's Colonies and Plantations in America; but that all and every the said Acts, and also all Acts of Parliament heretofore made concerning or respecting the said Colonies and Plantations, shall be, and are hereby declared to be, in Force, within the said Province of Quebec, and every Part thereof.

III. AMERICAN DOMINATION.

PROVISIONAL ARTICLES OF PEACE, NOVEMBER 30, 1782.

Can be readily found in *Treaties and Conventions concluded between the united States of America and other Powers* (Wash., 1873), pp. 309–312.

DEFINITIVE TREATY OF PEACE, SEPTEMBER 3, 1783.

See the same volume, pp. 314–318.

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JAY'S TREATY, NOVEMBER 19, 1794.

Same volume, pp. 318–335.

JEFFERSON'S REPORT ON A PLAN FOR A TEMPORARY GOVERNMENT OF THE WESTERN TERRITORY, 1784.1

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1 From *Jour. Cong.*, ix., pp. 109–10. This report, drawn by Thomas Jefferson, was adopted in congress, April 23, 1784. It may be found in its original form, with Jefferson's fanciful plan for dividing the Northwest Territory into ten states classically named, in Randall's *Jefferson*, i., p. 398.— Ed.

Resolved , That so much of the territory ceded or to be ceded by individual states to the United States, as is already purchased or shall be purchased of the Indian inhabitants, and offered for sale by Congress, shall be divided into distinct states, in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each state shall comprehend from north to south two degrees of latitude, beginning to count from the completion of 45 degrees north of the equator; and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the great Kenhaway: but the territory eastward of this last meridian, between the Ohio, lake Erie and Pennsylvania, shall be one state whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree between the said meridians, shall make part of the state adjoining it on the south: and that part of the Ohio, which is between the same meridians coinciding nearly with the parallel of 39° shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased, and offered for sale, shall, either on their own petition or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age within the limits of their state to meet together, for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original states; so that such laws nevertheless shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties, townships, or other divisions, for the election of members for their legislature.

That when any such state shall have acquired 20,000 free inhabitants, on giving due proof thereof to Congress, they shall receive from them authority with appointments of time and place, to call a convention of representatives to establish a permanent constitution

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and government for themselves. Provided that both the temporary and permanent governments be established on these principles as their basis;

1st. That they shall for ever remain a part of this confederacy of the United States of America.

2d. That they shall be subject to the articles of confederation in all those cases in which the original states shall be so subject, and to all the acts and ordinances of the United States in Congress assembled, conformable thereto.

3d. That they in no case shall interfere with the primary disposal of the soil by the United States in Congress assembled, nor with the ordinances and regulations which Congress may find necessary, for securing the title in such soil to the *bona fide* purchasers.

4th. That they shall be subject to pay a part of the federal debts contracted or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states.

5th. That no tax shall be imposed on lands, the property of the United States.

6th. That their respective governments shall be republican.

7th. That the lands of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new state, before the admission thereof to a vote by its delegates in Congress.

That whensoever any of the said states shall have, of free inhabitants, as many as shall then be in any one the 63 least numerous of the thirteen original states, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original states; provided the consent of so many states in Congress is first obtained as may at the time be competent to such admission. And in order to adapt the said articles of confederation to the state of Congress when its numbers shall be thus

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increased, it shall be proposed to the legislatures of the states, originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled, in all those cases wherein by the said articles, the assent of nine states is now required, which being agreed to by them, shall be binding on the new states. Until such admission by their delegates into Congress, any of the said states after the establishment of their temporary government shall have authority to keep a member in Congress, with a right of debating but not of voting.

That measures not inconsistent with the principles of the confederation, and necessary for the preservation of peace and good order among the settlers in any of the said new states, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in Congress assembled.

That the preceding articles shall be formed into a charter of compact; shall be duly executed by the president of the United States in Congress assembled, under his hand, and the seal of the United States; shall be promulgated; and shall stand as fundamental constitutions between the thirteen original states, and each of the several states now newly described, unalterable from and after the sale of any part of the territory of such state, pursuant to this resolve, but by the joint consent of the United States in Congress assembled, and of the particular state within which such alteration is proposed to be made.

ORDINANCE OF 1787.

There are many copies extant. Probably the most accurate as well as the most easily obtained, is in *Federal and State Constitutions* , etc. (Wash., 1877), i., 429–432.